

Randall G. Gale, Esquire
Attorney No. 26149
Thomas, Thomas & Hafer, LLP
P.O. Box 999
Harrisburg, PA 17108-0999
Attorney for Defendants

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KONSTANTIN PROFATILO and
DORA PROFATILO, his wife,
Plaintiffs,
vs.

THE MILTON S. HERSHEY MEDICAL
CENTER, PETER MUCHA, JR., M.D.,
MICHAEL C. BURNETT, M.D., and
KYM A. SALNESS, M.D.
Defendants.

NO. 1:CV 00-0633

JUDGE:
WILLIAM W. CALDWELL, SR

JURY TRIAL DEMANDED

FILED
HARRISBURG, PA

AUG 28 2000

MARY E. D'ANDREA, CLERK
Per *MA*
Deputy Clerk

MOTION TO AMEND DEFENDANTS' ANSWER

AND NOW, come the Defendants, Hershey Medical Center, Peter Mucha, Jr., M.D., Michael C. Burnett, M.D., and Kym A. Salness, M.D. and file this Motion to Amend their Answer.

1. This is a medical malpractice diversity action filed by the Plaintiffs Konstantin Profatilo and Dora Profatilo against the above referenced Defendants.
2. Plaintiffs filed a Complaint on April 7, 2000 and Defendants filed their answer on May 31, 2000.
3. The Defendants now seek to amend their answer to the Complaint in regard to paragraph 4 to correct the response regarding the medical specialization of Defendant Michael C. Burnett, M.D.
4. Attached hereto is a Stipulation re: Amendment to Defendants' Answer signed by

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STIPULATION RE: AMENDMENT TO DEFENDANTS' ANSWER

It is agreed by all counsel that paragraph 4 of the Defendants' Answer is amended to read as follows:

Admitted in part and denied in part. It is admitted that Defendant, Michael C. Burnett, M.D. is a citizen of the Commonwealth of Pennsylvania, who at the time of the events in question, was on the staff of the Hershey Medical Center. It is denied that at the time of the events in question, he was specializing in internal medicine and critical care medicine. On the contrary, Dr. Burnett was serving as a resident in surgery, doing his one month trauma rotation for the surgery service. He was training in Otolaryngology in the Department of Surgery. While Dr. Burnett was not specializing in internal medicine at the time of the events in question, he had done a three year residency in internal medicine at the University of Pennsylvania previously. It is further

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**CERTIFICATE OF
CONCURRENCE**

I, Randall G. Gale, Counsel for Defendants certify that Lewis H. Markowitz, Counsel
for Plaintiffs, concurs in this Motion.

THOMAS, THOMAS & HAFER, LLP

By 

Randall G. Gale, Esquire
I. D. 26149
305 North Front Street
P.O. Box 999
Harrisburg, PA 17108-0999
(717) 255-7648